

SEP 09 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
ARTICLE NUMBER P-353 439 226

Thomas H. Defibaugh
BDH Oil, Inc.
580 Interstate Parkway
Bradford, Pennsylvania 16701

Re: In the Matter of BDH Oil Inc., Docket No. UIC-AO-93-4

Dear Mr. Defibaugh:

The U.S. Environmental Protection Agency (EPA) has found that the Nichols Run lease, located on Nichols Run Road, Town of Limestone, Cattaraugus County, New York, is in violation of the Safe Drinking Water Act (SDWA), 42 U.S.C. §300h et seq., and the Underground Injection Control (UIC) regulations promulgated under Part C of the SDWA.

Such violations are subject to enforcement action under Section 1423 of SDWA, 42 U.S.C. §300h-2. This section provides for the initiation of civil and/or criminal actions in court or the issuance of administrative orders which may mandate compliance with all provisions of the SDWA and regulations, and which may assess penalties for violations.

Notice is hereby provided that EPA intends to issue BDH Oil Inc. an administrative order under Section 1423(c)(2) of the SDWA, 42 U.S.C. §300h-2(c)(2), and it is my understanding that you desire to enter into an Administrative Order on Consent. Two copies of the Order on Consent, which will be proposed, are enclosed.

Please review the order, and if the terms of this order are acceptable to you, sign both the original and copy provided, and, within ten (10) days of receipt of this package, return both signed documents to me at: U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 805, New York, NY, 10278. A fully executed copy of this document will be returned to you by mail upon issuance.

If any term of the order is not acceptable to you, please contact Jonathan E. Sperber, Office of Regional Counsel, either directly or through your attorney, within five (5) days of receipt of this letter to discuss your proposed alternative. Failure to notify EPA within five (5) days and/or failure to return the signed documents within ten (10) days will result in EPA proposing a unilateral administrative order.

You may call Jonathan E. Sperber, Attorney, Office of Regional Counsel, at (212) 264-0126 if you have any questions in this regard.

Sincerely yours,

Richard L. Caspe, P.E.
Director
Water Management Division

Enclosures

cc: T. Callaway, NYSDEC Division of Mineral Resources (w/enc.)

bcc: W. Andrews, 2WM-DGP
F. Brock, 2WM-DGP
C. Hillenbrand, 2WM-DGP ✓
J. Sperber, ORC (w/enc.)